

### REMARKS

Applicant appreciates the detailed examination evidenced by the Final Office Action. Applicants also appreciate the Examiner's indication that Claim 58 contains allowable subject matter and would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and to include all of the limitations of the based claim and any intervening claims. Applicants note that the Final Office Action has provided no rejection of Claim 58 under 35 U.S.C. § 112 (See Final Office Action, page 2).

Prosecution of the present application now has been transferred to the undersigned at a new law firm. Based on this transfer of prosecution responsibilities, the undersigned has taken a fresh look at the prosecution of the present application. Pending Claims 1-3, 5, 7, 9, 12-20, 26, 41-45, 48-51, 57, and 59-61 have been amended. No new matter has been added by the claim amendments.

The previous prosecution was centered on the question of whether Wang teaches calendar events that are organized according to a multi-level hierarchy of context events and specific events. Independent Claims 1, 26, and 41 have been amended herein to clarify the distinction between the time-dependent events of Wang from the time-independent context events and specific events of the claims. These reasons for patentability of the amended claims will be explained in detail below.

#### **The Rejection of Claim 61 under 35 U.S.C. § 112 Should be Withdrawn:**

Claim 61 has been amended to depend from Claim 47 to provide antecedent basis for the recitation "attribute values". Accordingly, Applicants respectfully request withdrawal of the § 112 rejection.

#### **Independent Claims 1, 26, and 41 are Patentable Over Wang in View of Scully**

Independent Claims 1, 26, and 41, along with dependent Claims 2, 9, 11-12, 19-21, 27, 30, 32-33, 36-37, 42, 45, 47-48, 51-52, 57, and 59-61, have been rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,380,959 to Wang et

al. (Wang) in view of U.S. Patent No. 4,807,154 to Scully et al. (Scully). Amended independent Claim 1 recites (emphasis added):

1. A computer program product embodied on one or more computer-readable media, the computer program product adapted for providing an electronic calendar-driven application and comprising:  
computer-readable program code adapted for creating time-dependent calendar events on an electronic calendar, the calendar events being organized according to a multi-level hierarchy comprising time-independent context events at an upper level of the hierarchy and time-independent specific events at a lower level of the hierarchy, wherein zero or more specific events may be scheduled on the electronic calendar during any particular context event; and  
computer-readable program code adapted for interrogating the calendar events created for a user to provide information about the user.

Accordingly, calendar events are time-dependent events that can be associated with a particular date and time in an electronic calendar. The calendar events are organized according to a multi-level hierarchy that includes time-independent context events at an upper level of the hierarchy and time-independent specific events at a lower level of the hierarchy. The time-independent context and specific events can allow the application "to recognize that users' capabilities, needs, and behaviors change dependent on where they are, what devices they have access to, and what their main purpose is in being there." (Specification, page 16, lines 4-6). For example, context events can indicate whether a user is "'in the office', 'working at home', 'working at alternate location', and 'business trip' (which are all categories of 'working')." (Specification, page 18, lines 18-20). Exemplary specific events include "in-person meetings", "electronic meetings", "teleconferences", "attending training, presentations, or seminars", and "lunch". (Specification, page 20, lines 18 - page 21, line 4).

In rejecting Claim 1, the Final Office Action recites the following:

Wang includes a multilevel hierarchy of calendar events. ... Each level is a different time period associated with the year. For example, as can be seen in Figure 8 of Wang, there are upper level events, such as days, with a definitive start time, presumably 12:00 am, an ending time, presumably 11:59 pm, and a description, the name of the day of the week. The same can be said for the

other levels of the calendar, such as month and year. Each has an associated starting time, ending time, and description.

(Final Office Action, page 28). Applicants agree that the "events" disclosed by Wang are time-dependent. In particular, Wang defines "event" as "an entity associated with a time". (Wang, Col. 6, line 4). However, Applicants respectfully submit that Wang does not disclose or suggest time-dependent events that are organized according to a multi-level hierarchy that includes time-independent context events at an upper level of the hierarchy and time-independent specific events at a lower level of the hierarchy.

Moreover, Wang fails to disclose other recitations of Claim 1. For example, the Final Office Action concedes on page 3 that "Wang ... lacks the computer-readable code means for interrogating the calendar to provide information about a user." The Final Office Action then relies on Scully in an attempt to provide this missing recitation, by stating that "Scully, however, discloses the limitation of interrogating the calendar program for a user's availability ... in order to minimize the time and effort required to reply to requests for participation in an event. (Final Office Action, page 3-4). Applicants note that the Final Office Action has not provided clear and particular evidence from Wang and Scully themselves as to why one who is skilled in the art, with no knowledge of the claimed invention, would modify Wang to include the teachings of Scully so as to obtain the electronic calendar-driven application recited in Claim 1. Instead, it appears that the Final Office Action is relying on impermissible hindsight in view of the present application. Moreover, even if those references were combined, they still would not teach interrogating calendar events that include a hierarchy of time-independent context events at an upper level and time-independent specific events at a lower level.

Accordingly, Applicants respectfully submit that the Final Office Action has not provided a *prima facie* case for obviousness of Claim 1 over Wang in view of Scully. Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 1.

Independent Claims 26 and 41 contain analogous recitations to Claim 1, and are submitted to be patentable over Wang in view of Scully for the reasons provided above for Claim 1.

Dependent Claims 2-25, 27-40, and 42-61 are allowable at least for the reason that they depend from patentable independent claims.

### CONCLUSION

Applicants respectfully request entry of the present claim amendments as placing the claims in condition for allowance, or alternatively as placing the claims in better condition for appeal and narrowing the issues for further consideration on appeal. No new issues are raised by the present claim amendments. In light of the above amendments and remarks, Applicants respectfully submit that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



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